

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: ) Divisional application of Serial No. 10/043,056,  
J. SHAFFER, et al. ) Filed January 8, 2002  
)  
Serial No.: To be Assigned ) Examiner: To be Assigned  
)  
Filed: Concurrently herewith ) Group Art Unit: To be Assigned

For: APPARATUS AND METHOD FOR BIOLOGICAL TREATMENT  
OF ENVIRONMENTAL CONTAMINANTS AND WASTE

July 28, 2003

**TERMINAL DISCLAIMER**

Mail Stop New Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Aqua-Novus, Corp., formerly known as Wastewater Biological Solutions Corp., the owner by assignment from inventors Jon Shaffer, Ph.D., Jack Fernandes, and John Lucido (See Exhibit A), of all right, title, and interest in, to, and under the above-captioned application and prior U.S. Patent No. 6,402,941, by virtue of a corporate name change (See Exhibit B) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application that would extend beyond the expiration date of the full statutory terms defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,402,941. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during the period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee and its successors and/or assigns.

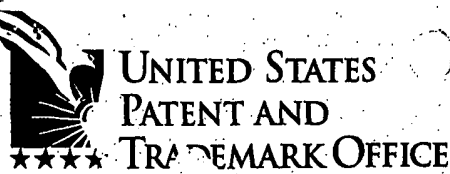
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of the full statutory term as currently shortened by any terminal disclaimer.

The above-identified assignment filed with the United States Patent and Trademark Office has been reviewed, and Aqua-Novus, Corp. hereby certifies that to the best of its knowledge and belief, title as to both the above-captioned application and prior U.S. Patent No. 6,402,941 is in Aqua-Novus, Corp.

I hereby declare that as Secretary of Aqua-Novus, Corp., I am empowered to execute this Terminal Disclaimer on behalf of Aqua-Novus, Corp., that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Leo G. Lenna  
Secretary  
AQUA-NOVUS, CORP.



NOVEMBER 01, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov

BRYAN CAVE LLP  
WARREN K. MACRAE  
245 PARK AVENUE  
NEW YORK, NY 10167



\*102266431A\*

**CORRECTED  
NOTICE**

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/02/2002

REEL/FRAME: 012869/0637  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
SHAFFER, JON

DOC DATE: 01/18/2002

ASSIGNOR:  
FERNANDES, JACK

DOC DATE: 01/18/2002

ASSIGNOR:  
LUCIDO, JOHN

DOC DATE: 01/18/2002

ASSIGNEE:  
AQUA-NOVUS, CORP.  
35 PINELAWN ROAD  
MELVILLE, NEW YORK 11747

SERIAL NUMBER: 10043056  
PATENT NUMBER:

FILING DATE: 01/08/2002  
ISSUE DATE:

37584/130070.1  
DOCKETEL

DATE 11/13/02  
INITIALS SM

13

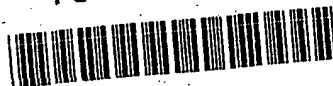
012869/0637 PAGE 2

MARGARET LASALLE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

10-30-2002

cket No.: c37584/130070

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office



102266431

Tab settings → → → ▼ ▼

To the Honorable Commissioner of Patents

Remarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Jon SHAFFER  
Jack FERNANDES  
John LUCIDO

5-2-02

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Aqua-Novus, Corp.

Address: 35 Pinelawn Road

City: Melville

State/Prov.: NY

Country: US

ZIP: 11747

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: 1/18/02

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

10/043,056

January 8, 2002

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Warren K. MacRae

Registration No. 37,876

Address: BRYAN CAVE LLP

245 Park Avenue

05/10/2002 00000022 10043056

01 01981 New York

40.00 State/Prov.: NY

Country: US

ZIP: 10167

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

02-4467

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Warren K. MacRae

Name of Person Signing

Warren K MacRae 4/24/02

Signature

Date

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
J. SHAFFER, et al. )  
Serial No.: 10/043,056 ) Examiner: Chester T. Barry  
Filed: January 8, 2002 ) Group Art Unit: 1724

For: APPARATUS AND METHOD FOR BIOLOGICAL TREATMENT  
OF ENVIRONMENTAL CONTAMINANTS AND WASTE

October 21, 2002

**REQUEST FOR CORRECTION OF NOTICE OF RECORDATION**

U.S. Patent and Trademark Office  
Assignment Division  
Box Assignments, CG-4  
1213 Jefferson Davis Highway, Suite 320  
Washington, D.C. 20231

Sir:

Enclosed for correction is the Notice of Recordation (dated May 2, 2002), and associated papers regarding assignment of assignor's interest.

Please make the following change to the first Assignor:


**"John Shaffer" should read --Jon Shaffer--.**

Support for this correction can be found on the recordation form cover sheet attached to the Notice of Recordation (copy enclosed). As the error noted above was made by the Patent Office, it is not believed that this submission occasions any fee, but if it is determined that a fee is required, please charge such fee to Deposit Account No. 02-4467.

Please forward a corrected Notice of Recordation to the undersigned.

Respectfully submitted,

By:



Warren K. MacRae

Reg. No. 37,876

BRYAN CAVE LLP

245 Park Avenue

New York, NY 10167-0034

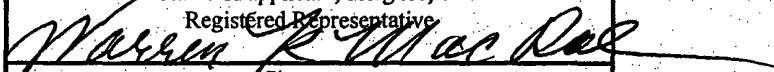
(212) 692-1800

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Assignment Division, Box Assignments, CG-4, 1213 Jefferson Davis Highway, Suite 320, Washington, D.C. 20231, on September 27, 2002

(Date of Deposit)

Warren K. MacRae

Name of applicant, assignee, or  
Registered Representative



Signature

10/21/02

Date of Signature

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned by the Assignees, Aqua-Novus, Corp., a corporation organized under the laws of the State of Delaware, having an office at 35 Pinelawn Road, Melville, NY 11747 the receipt whereof is hereby acknowledged, the undersigned by these presents hereby sells, assigns, transfers, and sets over unto the said Assignees the entire worldwide right, title, and interest in and to the invention or improvement in **APPARATUS AND METHOD FOR BIOLOGICAL TREATMENT OF ENVIRONMENTAL CONTAMINANTS AND WASTE**, and in and to all Letters Patent thereon and all applications therefore, said invention being fully described and/or claimed in the application for Letters Patent of the United States of America, executed concurrently herewith, in and for the United States and all foreign countries, including all treaty and convention rights and the right to sue for present, past, and future infringement, the same to be held and enjoyed by said Assignees, its successors, assigns, or other legal representatives, to the full ends of the terms for which all Letters Patents therefore may be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

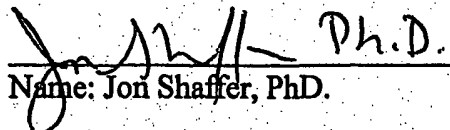
And said Assignees are hereby authorized to make application for and to receive Letters Patent for said invention in any of said countries at its election.

And by this covenant the undersigned will execute or procure any further necessary assurance of title to said invention and Letters Patent; and at any time, upon the request and at the expense of said Assignees, will execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefore in said Assignees, its successors, assigns or other legal representatives, and, upon the request and at the expense of said Assignees, will execute any additional or divisional applications for patents for said invention, or any part or parts thereof, and for the reissue of any Letters Patents to be granted therefore, and will make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, without further compensation, but at the expense of said Assignees, its successors, assigns, or other legal representatives.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue any and all Letters Patent of the United States for said invention to said Assignees.

INVENTOR NO. 1

Dated: 1/18/02

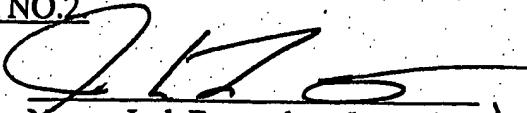
 Ph.D.  
Name: Jon Shaffer, Ph.D.

40 Salemridge  
Huntington, NY 11743 -USA



INVENTOR NO.2

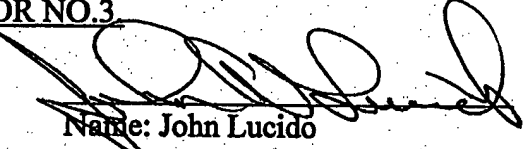
Dated: 1/18/02

  
Name: Jack Fernandes (AKA JUAN) JF.

2 Temple Road  
Setauket, N.Y. 11733 - USA

INVENTOR NO.3

Dated: 1/18/02

  
Name: John Lucido  
46 Merritts Path  
Rocky Point, NY 11748-USA

# BRYAN CAVE LLP

ST. LOUIS, MISSOURI  
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KUWAIT CITY, KUWAIT  
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DUBAI, UNITED ARAB EMIRATES  
HONG KONG  
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA  
IN ASSOCIATION WITH BRYAN CAVE,  
A MULTINATIONAL PARTNERSHIP,  
LONDON, ENGLAND

WARREN K. MACRAE  
PARTNER

DIRECT DIAL NUMBER  
(212) 692-1819

INTERNET ADDRESS  
WKMACRAE@BRYANCAVE.COM

April 24, 2002

## BOX ASSIGNMENTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Serial No.: 10/043,056  
Our Reference: C37584/130070

Sir:

Enclosed for recording is an Assignment to Aqua-Novus, Corp. in connection with the above-identified application, which was filed January 8, 2002. Also enclosed is our check for \$40.00 to cover the recording fee. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this letter is attached.

Please return the recorded Assignment to the undersigned.

Very truly yours,

By:

*Warren K. MacRae*  
Warren K. MacRae, Reg. No. 37,876  
Bryan Cave LLP  
245 Park Avenue  
New York, NY 10167  
(212) 692-1800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX ASSIGNMENTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on April 24, 2002	
(Date of Deposit)	Warren K. MacRae
Name of applicant, assignee, or Registered Representative	<i>Warren K. MacRae</i>
Signature	
Date of Signature	4/24/02

# PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Jon SHAFFER  
Jack FERNANDES  
John LUCIDO

5-2-02

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: 1/18/02

2. Name and address of receiving party(ies):

Name: Aqua-Novus, Corp.

Address: 35 Pinelawn Road

City: Melville

State/Prov.: NY

Country: US

ZIP: 11747

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

10/043,056

January 8, 2002

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Warren K. MacRae

Registration No. 37,876

Address: BRYAN CAVE LLP

245 Park Avenue

City: New York

State/Prov.: NY

Country: US

ZIP: 10167

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

02-4467

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Warren K. MacRae

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned by the Assignees, Aqua-Novus, Corp., a corporation organized under the laws of the State of Delaware, having an office at 35 Pinelawn Road, Melville, NY 11747 the receipt whereof is hereby acknowledged, the undersigned by these presents hereby sells, assigns, transfers, and sets over unto the said Assignees the entire worldwide right, title, and interest in and to the invention or improvement in **APPARATUS AND METHOD FOR BIOLOGICAL TREATMENT OF ENVIRONMENTAL CONTAMINANTS AND WASTE**, and in and to all Letters Patent thereon and all applications therefore, said invention being fully described and/or claimed in the application for Letters Patent of the United States of America, executed concurrently herewith, in and for the United States and all foreign countries, including all treaty and convention rights and the right to sue for present, past, and future infringement, the same to be held and enjoyed by said Assignees, its successors, assigns, or other legal representatives, to the full ends of the terms for which all Letters Patents therefore may be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

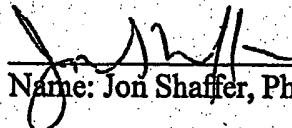
And said Assignees are hereby authorized to make application for and to receive Letters Patent for said invention in any of said countries at its election.

And by this covenant the undersigned will execute or procure any further necessary assurance of title to said invention and Letters Patent; and at any time, upon the request and at the expense of said Assignees, will execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefore in said Assignees, its successors, assigns or other legal representatives, and, upon the request and at the expense of said Assignees, will execute any additional or divisional applications for patents for said invention, or any part or parts thereof, and for the reissue of any Letters Patents to be granted therefore, and will make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, without further compensation, but at the expense of said Assignees, its successors, assigns, or other legal representatives.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue any and all Letters Patent of the United States for said invention to said Assignees.

INVENTOR NO. 1

Dated: 1/18/02

 Ph.D.  
Name: Jon Shaffer, PhD.

40 Salemridge  
Huntington, NY 11743 -USA

INVENTOR NO.2

Dated:

1/18/02



Name: Jack Fernandes (AKA JONAS) JR.

2 Temple Road  
Setauket, N.Y. 11733 - USA

INVENTOR NO.3

Dated:

1/18/02



Name: John Lucido  
46 Merritts Path  
Rocky Point, NY 11748-USA

# BRYAN CAVE LLP

ST. LOUIS, MISSOURI  
WASHINGTON, D.C.  
KANSAS CITY, MISSOURI  
OVERLAND PARK, KANSAS  
PHOENIX, ARIZONA  
LOS ANGELES, CALIFORNIA  
IRVING, CALIFORNIA

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KUWAIT CITY, KUWAIT  
ABU DHABI, UNITED ARAB EMIRATES  
DUBAI, UNITED ARAB EMIRATES  
HONG KONG  
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA  
IN ASSOCIATION WITH BRYAN CAVE,  
A MULTINATIONAL PARTNERSHIP.  
LONDON, ENGLAND

WARREN K. MACRAE  
PARTNER

DIRECT DIAL NUMBER  
(212) 692-1819

INTERNET ADDRESS  
WKMACRAE@BRYANCAVE.COM

April 24, 2002

## BOX ASSIGNMENTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Serial No.: 10/043,056  
Our Reference: C37584/130070

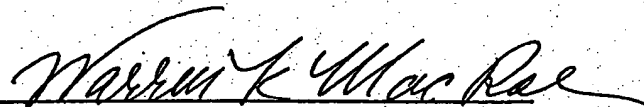
Sir:

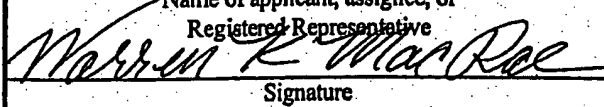
Enclosed for recording is an Assignment to Aqua-Novus, Corp. in connection with the above-identified application, which was filed January 8, 2002. Also enclosed is our check for \$40.00 to cover the recording fee. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this letter is attached.

Please return the recorded Assignment to the undersigned.

Very truly yours,

By:

  
Warren K. MacRae, Reg. No. 37,876  
Bryan Cave LLP  
245 Park Avenue  
New York, NY 10167  
(212) 692-1800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX ASSIGNMENTS, Assistant Commissioner for Patents, Washington, D.C. 20231, on	
April 24, 2002	(Date of Deposit)
Warren K. MacRae	
Name of applicant, assignee, or Registered Representative	
	
Signature	
4/24/02	
Date of Signature	

NCR - 26

2020128000549

CERTIFICATE OF AMENDMENT

OF

APPLICATION FOR AUTHORITY

OF

WASTEWATER BIOLOGICAL SOLUTIONS, CORP.

(UNDER SECTION 1309 OF THE BUSINESS CORPORATION LAW)

Pursuant to the provisions of Section 1309 of the Business Corporation Law, the undersigned corporation hereby makes the following statements for the purpose of amending its Application for Authority.

FIRST: The name of the corporation as it appears on the index of names of existing domestic and authorized foreign corporations of any type or kind in the Department of State, Divisions of Corporations, is Wastewater Biological Solutions, Corp.

SECOND: It is incorporated under the laws of Delaware.

THIRD: The date it was authorized to do business in New York was October 29, 1999.

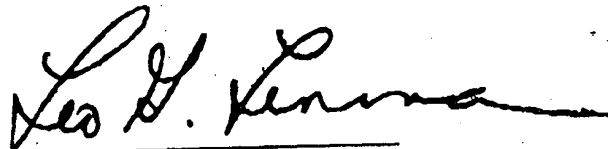
FOURTH: The Application for Authority is amended:

Article First: "To change the name of the corporation from Wastewater Biological Solutions, Corp. to Aqua-Novus, Corp.

FIFTH: The date when the name change was effected in the corporation's home state of Delaware is January 15, 2002.

IN WITNESS WHEREOF, Aqua-Novus, Corp., the corporation hereinbefore mentioned and described has caused this certificate to be signed in its name by its Secretary this 16<sup>th</sup> day of January, 2002.

By



Leo G. Lenna, Secretary

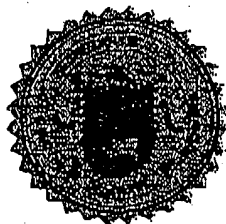
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "WASTEWATER BIOLOGICAL SOLUTIONS, CORP.", CHANGING ITS NAME FROM "WASTEWATER BIOLOGICAL SOLUTIONS, CORP." TO "AQUA-NOVUS, CORP.", FILED IN THIS OFFICE ON THE FIFTEENTH DAY OF JANUARY, A.D. 2002, AT 2 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE KENT COUNTY RECORDER OF DEEDS.



3014142 8100

020027580

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1562542

DATE: 01-16-02